

- 750.5 No person who applies or solicits the application of any architectural coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in Table I of this section.
- 750.6 No person shall apply or solicit the application of any rust preventive coating for industrial use, unless such a rust preventive coating complies with the industrial maintenance coating VOC limit specified in Table I of this section.
- 750.7 For any coating that does not meet any of the definitions for the specialty coatings categories listed in Table I of this section, the VOC content limit shall be determined by classifying the coating as a flat coating or a non-flat coating, based on its gloss, as defined in §799, and the corresponding flat or non-flat coating limit shall apply.
- 750.8 A manufacturer, seller, or user may petition the Department to apply an industrial maintenance coating with a VOC content up to 340 g/l if all of the following conditions are met:
- (a) The industrial maintenance coating is applied outside the ozone season, normally May through September every year;
 - (b) The petition submitted to the Department shall contain the following information, as applicable: job requirements and descriptions, volume of coating, maximum VOC content, and a certification that a complying coating meeting the job performance requirements is not available; and
 - (c) If the Department grants written approval, such approval shall contain volume and VOC limit conditions. Until written approval is granted by the Department and received by the petitioner, all provisions of this rule shall apply.
- 750.9 The Department shall not approve any petition under §750.8 if the approvals previously granted by the Department during the calendar year, when combined with the petition under consideration, would result in excess VOC emissions for that calendar year which would be greater than five percent (5%) of the annual emission reduction achieved within the District of Columbia from implementing the January 1, 2005 VOC limit for industrial maintenance coatings. Coatings subject to this provision shall be sold only if an approved petition (or a copy of it) is provided prior to the sale. Coatings subject to this provision shall not be available to the general public.
- 750.10 Notwithstanding the provisions of §750.1, a person or facility may add up to ten percent (10%) by volume of VOC to a lacquer to avoid blushing of

the finish during days with relative humidity greater than seventy percent (70%) and temperature below sixty-five degrees Fahrenheit (65°F), at the time of application, provided that the coating contains acetone and no more than five hundred fifty (550) grams of VOC per liter of coating, less water and exempt compounds, prior to the addition of VOC.

Table I. VOC Content Limits for Architectural Coatings.¹

<u>Coating Category</u>	<u>VOC Content Limit</u> (Grams VOC per liter) ²
Flat Coatings	100
Non-flat Coatings	150
Non-flat- High Gloss Coatings	250
<u>Specialty Coatings</u>	
Antenna Coatings	530
Antifouling Coatings	400
Bituminous Roof Coatings	300
Bituminous Roof Primers	350
Bond Breakers	350
Calcimine Recoater	475
Clear Wood Coatings	
• Clear Brushing Lacquers	680
• Lacquers (including lacquer sanding sealers)	550
• Sanding Sealers (other than lacquer sanding sealers)	350
• Varnishes	350
Concrete Curing Compounds	350
Concrete Surface Retarders	780
Conversion Varnish	725
Dry Fog Coatings	400
Faux Finishing Coatings	350
Fire-Resistive Coatings	350
Fire-Retardant Coatings	
• Clear	650
• Opaque	350
Floor Coatings	250
Flow Coatings	420
Form-Release Compounds	250
Graphic Arts Coatings (Sign Paints)	500

¹ Limits are expressed in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water, exempt compounds, or colorant added to tint bases. Manufacturer's maximum recommendation means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

² Conversion factor: one pound VOC per gallon (U.S.) = 119.95 grams per liter.

High-Temperature Coatings	420
Industrial Maintenance Coatings	340
Impacted Immersion Coatings	780
Low-Solids Coatings ³	120
Magnesite Cement Coatings	450
Mastic Texture Coatings	300
Metallic Pigmented Coatings	500
Multi-Color Coatings	250
Nuclear Coatings	450
Pre-Treatment Wash Primers	420
Primers, Sealers, and Undercoaters	200
Quick-Dry Enamels	250
Quick-Dry Primers, Sealers and Undercoaters	200
Recycled Coatings	250
Roof Coatings	250
Rust Preventative Coatings	400
Shellacs	
• Clear	730
• Opaque	550
Specialty Primers, Sealers, and Undercoaters	350
Stains	250
Swimming Pool Coatings	340
Swimming Pool Repair and Maintenance Coatings	340
Temperature-Indicator Safety Coatings	550
Thermoplastic Rubber Coatings and Mastics	550
Traffic Marking Coatings	150
Waterproofing Sealers	250
Waterproofing Concrete/Masonry Sealers	400
Wood Preservatives	350

751 ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATING -- EXEMPTIONS

751.1 Sections 749 through 754 do not apply to:

- (a) Any architectural coating that is sold or manufactured for use outside of the District of Columbia or for shipment to other manufacturers for reformulation or repackaging;
- (b) Any aerosol coating product; or

³ Units for this coating are grams of VOC per liter (pounds of VOC/gallon) of coating, including water and exempt compounds

- (c) Any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less.

**752 ARCHITECTURAL AND INDUSTRIAL MAINTENANCE
 COATING – LABELING REQUIREMENT**

752.1 A manufacturer of any architectural coating shall list the following information on the coating container (or label) in which the coating is sold or distributed:

- (a) The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the Department;
- (b) A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If thinning of the coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning;
- (c) Either the maximum or the actual VOC content of the coating, as supplied, including the maximum thinning as recommended by the manufacturer;
 - (1) VOC content shall be displayed in grams of VOC per liter of coating; and
 - (2) VOC content displayed shall be calculated using product formulation data, or shall be determined using the test methods and equations in §754.1(a) and (b);
- (d) In addition to the information specified in §752.1(a), (b), and (c), each manufacturer of any industrial maintenance coating shall display on the label or the lid of the container in which the coating is sold or distributed one or more of the descriptions listed in subparagraphs (1) through (3):
 - (1) "For industrial use only;"
 - (2) "For professional use only;" or

- (3) "Not for residential use" or "Not intended for residential use;"
- (e) The labels of all clear brushing lacquers shall prominently display the statements "For brush application only," and "This product must not be thinned or sprayed;"
- (f) The labels of all rust preventive coatings shall prominently display the statement "For Metal Substrates Only;"
- (g) The labels of all specialty primers, sealers, and undercoaters shall prominently display one or more of the descriptions listed in subparagraphs (1) through (5):
 - (1) For blocking stains;
 - (2) For fire-damaged substrates;
 - (3) For smoke-damaged substrates;
 - (4) For water-damaged substrates; or
 - (5) For excessively chalky substrates;
- (h) The labels of all quick dry enamels shall prominently display the words "Quick Dry" and the dry hard time; and
- (i) The labels of all non-flat, high-gloss coatings shall prominently display the words "High Gloss."

**753 ARCHITECTURAL AND INDUSTRIAL MAINTENANCE
 COATING -- REPORTING REQUIREMENTS**

753.1 Any manufacturer of clear brushing lacquers shall, on or before April 1 of each calendar year beginning in the year 2005, submit an annual report to the Department. The report shall specify the number of gallons of clear brushing lacquers sold in the District of Columbia during the preceding calendar year, and shall describe the method used by the manufacturer to calculate District of Columbia sales.

753.2 Any manufacturer of rust preventive coatings shall, on or before April 1 of each calendar year beginning in the year 2005, submit an annual report to the Department. The report shall specify the number of gallons of rust preventive coatings sold in the District of Columbia during the preceding

calendar year, and shall describe the method used by the manufacturer to calculate District of Columbia sales.

- 753.3 Any manufacturer of specialty primers, sealers, and undercoaters shall, on or before April 1 of each calendar year beginning in the year 2005, submit an annual report to the Department. The report shall specify the number of gallons of specialty primers, sealers, and undercoaters sold in the District of Columbia during the preceding calendar year, and shall describe the method used by the manufacturer to calculate District of Columbia sales.
- 753.4 Any manufacturer of architectural coating that contains perchloroethylene or methylene chloride shall, on or before April 1 of each calendar year beginning with the year 2005 report to the Department the following information for products sold in the District of Columbia during the preceding year:
- (a) The product brand name and a copy of the product label with the legible usage instructions;
 - (b) The product category listed in Table I in §750 to which the coating belongs;
 - (c) The total sales in the District during the calendar year to the nearest gallon; and
 - (d) The volume percent, to the nearest 0.10 percent, of perchloroethylene and methylene chloride in the coating.
- 753.5 Any manufacturer of recycled coatings must submit a letter to the Department certifying their status as a recycled paint manufacturer. The manufacturer shall, on or before April 1 of each calendar year beginning with the year 2005, submit an annual report to the Department. The report shall include, for all recycled coatings, the total number of gallons distributed in the District of Columbia during the preceding year, and shall describe the method used by the manufacturer to calculate District of Columbia distribution.
- 753.6 Any manufacturer of bituminous roof coatings or bituminous roof primers shall, on or before April 1 of each calendar year beginning with the year 2005, submit an annual report to the Department. The report shall specify the number of gallons of bituminous roof coatings or bituminous roof primers sold in the District of Columbia during the preceding calendar year, and shall describe the method used by the manufacturer to calculate District of Columbia sales.

**754 ARCHITECTURAL AND INDUSTRIAL MAINTENANCE
COATING – TESTING REQUIREMENTS**

754.1 The compliance provisions and test methods for architectural and industrial maintenance coatings for the purpose of determining compliance with the VOC content limits in Table I in §750, the VOC content of a coating shall be determined by using the procedures described below in paragraphs (a) or (b), as appropriate. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured as follows:

- (a) With the exception of low solids coatings, determine the VOC content in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water and exempt compounds. Determine the VOC content using the following equation:

$$\text{VOC Content} = \frac{(W_s - W_w - W_{ec})}{(V_m - V_w - V_{ec})}$$

where,

VOC content = grams of VOC per liter of coating;
W_s = weight of volatiles, in grams;
W_w = weight of water, in grams;
W_{ec} = weight of exempt compounds, in grams;
V_m = volume of coating, in liters;
V_w = volume of water, in liters;
V_{ec} = volume of exempt compounds, in liters; and

- (b) For low solids coatings, determine the VOC content in units of grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds. Determine the VOC content using the following equation:

$$\text{VOC Content (ls)} = \frac{(W_s - W_w - W_{ec})}{(V_m)}$$

where,

VOC Content (ls) = the VOC content of a low solids coating in grams per liter of coating;
W_s = weight of volatile, in grams;
W_w = weight of water, in grams;
W_{ec} = weight of exempt compounds, in grams;

V_m = volume of coating, in liters.

- 754.2 To determine the physical properties of a coating in order to perform the calculations in §754.1(a)(1), the reference method for VOC content is U.S. EPA Method 24, except as provided in §§754.3 and 754.4. An alternative method to determine the VOC content of coatings is SCAQMD Method 304-91 (Revised February 1996). The exempt compounds content shall be determined by SCAQMD Method 303-91 (Revised August 1996). To determine the VOC content of a coating, the manufacturer may use U.S. EPA Method 24, or an alternative method, as provided in §754.3, formulation data, or any other reasonable means for predicting that the coating has been formulated as intended including but not limited to quality assurance checks and record keeping. However, if there are any inconsistencies between the results of a Method 24 test and any other means for determining VOC content, the Method 24 results will govern, except when an alternative method is approved as specified in §754.3. The Department may require the manufacturer to conduct a Method 24 analysis.
- 754.3 Alternative test methods demonstrated to provide results that are acceptable for purposes of determining compliance with §754.2, after review and approved in writing by the Department and the U.S. EPA, may also be used.
- 754.4 Analysis of methacrylate multi-component coatings used as traffic marking coatings shall be conducted according to a modification of U.S. EPA Method 24 in 40 CFR 59, Subpart D, Appendix A. This method has not been approved for methacrylate multicomponent coatings used for purposes other than traffic marking coatings or other classes of multicomponent coatings;
- 754.5 The following test methods shall be used to test coatings subject to the provisions of this section:
- (a) The flame spread index of a fire-retardant coating shall be determined by the ASTM Designation E 84-99, Standard Test Method for Surface Burning Characteristics of Building Materials, (see §799, fire-retardant coating);
 - (b) The fire-resistance rating of a fire-resistive coating shall be determined by ASTM designation E 119-98, Standard Test Methods for Fire Tests of Building Construction Materials, (see §799, fire-resistive coating);
 - (c) The gloss of a coating shall be determined by ASTM Designation D 523-89 (1999), Standard Test Method for Specular Gloss, (see

§799, flat coating, non-flat coating, non-flat - high-gloss coating, and quick dry enamel);

- (d) The metallic content of a coating shall be determined by SCAQMD Method 318-95, Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction, SCAQMD Laboratory Methods of Analysis for Enforcement Samples, (see §799, metallic pigmented coating);
- (e) The acid content of a coating shall be determined by ASTM Designation D 1613-96, Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer and Related Products, (see §799, pre-treatment wash primer);
- (f) The set-to-touch, dry-hard, dry-to-touch and dry-to-recoat times of a coating shall be determined by ASTM Designation D 1640-95, Standard Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature, (see §799, quick dry enamel and quick-dry primer, sealer, and undercoater). The tack free time of a quick-dry enamel coating shall be determined by the Mechanical Test Method of ASTM Designation D 1640-95;
- (g) The chalkiness of a surface shall be determined using ASTM Designation D 4214-98, Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films, (see §799, specialty primer, sealer, and undercoater);
- (h) The following compounds are exempt from the test methods above and shall be analyzed by the following alternative methods:
 - (1) Compounds that are cyclic, branched, or linear, completely methylated siloxanes, shall be analyzed as exempt compounds for compliance with §754 by BAAQMD Method 43, Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials, BAAQMD Manual of Procedures, Volume III, adopted November 6, 1996, (see §799, volatile organic compound, and §754.2);
 - (2) Parachlorobenzotrifluoride shall be analyzed as an exempt compound for compliance with §754 by BAAQMD Method 41, Determination of Volatile Organic Compounds in Solvent-Based Coatings and Related Materials Containing Parachlorobenzotrifluoride, BAAQMD Manual

of Procedures, Volume III, adopted December 20, 1995, (see §799, volatile organic compound, and §754.2); and

- (3) Compounds exempt under U.S. EPA Method 24, which shall be analyzed by SCAQMD Method 303-91 Revised 1993), Determination of Exempt Compounds, SCAQMD Laboratory Methods of Analysis for Enforcement Samples, (see §799, volatile organic compound, and §754.2);
- (i) The VOC content of a coating shall be determined by U.S. EPA Method 24 as it exists in 40 CFR Part 60, Appendix A, Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings, (see §754.2);
- (j) Alternatively, the VOC content of coatings may be analyzed by either U.S. EPA Method 24 or SCAQMD Method 304-91 (Revised 1996), Determination of Volatile Organic Compounds (VOC) in Various Materials, SCAQMD Laboratory Methods of Analysis for Enforcement Samples, (see §754.2); and
- (k) The VOC content of methacrylate multicomponent coatings used as traffic marking coatings shall be analyzed by the procedures in 40 CFR part 59, Subpart D, Appendix A, Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings, (September 11, 1998), (see §754.4).

799**DEFINITIONS****799.1**

The meanings ascribed to the definitions and abbreviations appearing in §199 of Chapter 1 shall apply to the terms and abbreviations in this chapter. In addition the following terms and phrases used in this chapter shall have the meanings set forth in this section unless the text or context of a particular section, subsection or paragraph provides otherwise.

ACP agreement – the document signed by the Department which includes the conditions and requirements of the ACP, and which allows manufacturers to sell ACP products in District of Columbia.

ACP emissions – consist of the following:

- (a) The sum of the VOC emissions from every ACP product subject to an ACP Agreement approving an ACP, during the compliance period specified in the ACP agreement, expressed to the nearest pound of VOC; and

- (b) Calculated according to the following equation:

$$ACP \text{ Emissions} = (Emissions)_1 + (Emissions)_2 + \dots + (Emissions)_N$$

$$Emissions = \frac{(VOC \text{ Content}) \times (Enforceable \text{ Sales})}{100}$$

where,

- (1) For all products except for charcoal lighter material products:

$$VOC \text{ Content} = \frac{((B - C) \times 100)}{A}$$

A = net weight of unit (excluding container and packaging);

B = total weight of all VOCs per unit, as defined in this section; and

C = total weight of all exempted VOCs per unit, as specified in §721;
or

- (2) For charcoal lighter material products only:

$$VOC \text{ Content} = \frac{(Certified \text{ Emissions} \times 100)}{Certified \text{ Use Rate}}$$

Certified Emissions = the emissions level for products approved by the Department under §727, as determined pursuant to South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991), expressed to the nearest 0.001 pound CH₂ per start; and

Certified Use Rate = the usage level for products approved by the Department under §727, as determined pursuant to South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991), expressed to the nearest 0.001 pound certified product used per start.

ACP limit – consist of the following:

- (a) The maximum allowable ACP Emissions during the compliance period specified in an ACP Agreement approving an ACP, expressed to the nearest pound of VOC; and
- (b) Calculated according to the following equation:

$$ACP\ Limit = (Limit)_1 + (Limit)_2 + \dots + (Limit)_N$$

where,

$$Limit = \frac{(ACP\ Standard) \times (Enforceable\ Sales)}{100}$$

Enforceable Sales = the total amount of an ACP product sold for use in District of Columbia, during the applicable compliance period specified in the ACP Agreement approving an ACP, as determined through enforceable sales records, expressed to the nearest pound, excluding container and packaging;

ACP Standard = either the ACP product's Pre-ACP VOC Content, or the applicable VOC standard specified in §720, whichever is the lesser of the two;

Pre-ACP VOC Content = the lowest VOC content which the ACP product had between January 1, 1990 and the date on which the application for a proposed ACP is submitted to the Department, based on either the data on the product obtained from the March 12, 1991 CARB Consumer Products Survey, or other accurate records available to the Department, whichever yields the lowest VOC content for the product; and

1,2,...N = each product in an ACP up to the maximum N.

ACP product – any consumer product subject to the VOC standards specified in §720, except those products that have been exempted under §721, or exempted as Innovative Products under §733.

ACP reformulation or ACP reformulated – the process of reducing the VOC content of an ACP product, within the period that an ACP is in effect, to a level which is less than the current VOC content of the product.

ACP standard – either the ACP product's pre-ACP VOC content or the applicable VOC standard specified in §720, whichever is the lesser of the two.

ACP VOC standard – the maximum allowable VOC content for an ACP product, determined as follows:

- (a) The applicable VOC Standard specified in §720, for all ACP products except for charcoal lighter material; and
- (b) For charcoal lighter material products only, the VOC Standard shall be calculated according to the following equation:

$$\text{VOC Standard} = \frac{(0.020 \text{ pound } CH_2 \text{ per start } \times 100)}{\text{Certified Use Rate}}$$

where,

0.020 = the certification emissions level for the District of Columbia-approved product, as specified in §727; and

Certified Use Rate = the usage level for products approved by the District of Columbia under §727, as determined pursuant to South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991), expressed to the nearest 0.001 pound certified product used per start.

Adhesive – consist of the following:

- (a) For the purposes of §§719 through 734:
 - (1) Any product that is used to bond two (2) surfaces together other than by mechanical means;
 - (2) Does not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate; and
 - (3) For contact adhesive; construction, panel, and floor covering adhesive; and general purpose adhesive, does not include units of product, less packaging, which consist of more than one (1) gallon. This limitation does not apply to aerosol adhesives; and
- (b) For the purposes of §§749 through 754, any product that is used to bond two (2) surfaces together other than by mechanical means.

Adhesive remover – a product designed exclusively for the removal of adhesives, caulk and other bonding materials from either a specific substrate or a variety of substrates.

Aerosol adhesive – an aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment.

Aerosol coating product – a pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications.

Aerosol cooking spray – any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.

Aerosol product – consist of the following:

- (a) A pressurized spray system that dispenses product ingredients by means of a propellant or mechanically induced force; and
- (b) Does not include pump sprays.

Agricultural use – consist of the following:

- (a) The use of any pesticide or method or device for the control of pests in connection with the commercial production, storage or processing of any animal or plant crop;
- (b) Does not include the sale or use of pesticides in properly labeled packages or containers that are intended for home use, use in structural pest control, industrial use, or institutional use; and
- (c) For the purposes of this definition:
 - (1) Home use refers to use in a household or its immediate environment;
 - (2) Structural pest control refers to a use requiring a license under the applicable District of Columbia pesticide licensing requirement;
 - (3) Industrial use refers to use for or in a manufacturing, mining, or chemical process or use in the operation of factories, processing plants, and similar sites; and
 - (4) Institutional use - use within the lines of, or on property necessary for the operation of buildings such as hospitals, schools, libraries, auditoriums, and office complexes.

Air freshener – consist of the following:

- (a) Any consumer product including, but not limited to, sprays, wicks, powders, and crystals, designed for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air;

- (b) Includes spray disinfectants and other products that are expressly represented for use as air fresheners, except institutional and industrial disinfectants when offered for sale through institutional and industrial channels of distribution. To determine whether a product is an air freshener, all verbal and visual representations regarding product use on the label or packaging and in the product's literature and advertising may be considered. The presence of, and representations about, a product's fragrance and ability to deodorize shall not constitute a claim of air freshening; and
- (c) Does not include products that are used on the human body, products that function primarily as cleaning products, disinfectant products claiming to deodorize by killing germs on surfaces, or institutional/industrial disinfectants when offered for sale solely through institutional and industrial channels of distribution.

Airless cleaning system - a solvent cleaning machine that is automatically operated and seals at a differential pressure of 0.50 pounds per square inch gauge (psig) or less, prior to the introduction of solvent or solvent vapor into the cleaning chamber and maintains differential pressure under vacuum during all cleaning and drying cycles.

Airless spray - a spray coating method wherein the coating is atomized by forcing it through a small nozzle opening at high pressure. The coating is not mixed with air before exiting from the nozzle opening.

Air-tight cleaning system - a solvent cleaning machine that is automatically operated and seals at a differential pressure no greater than 0.50 pounds per square inch gauge (psig), prior to the introduction of solvent or solvent vapor into the cleaning chamber and during all cleaning and drying cycles.

All other carbon-containing compounds - all other compounds which contain at least one (1) carbon atom and are not a Table B compound or a LVP-VOC.

All other forms - all consumer product forms for which no specific VOC standard is specified including but not limited to solids, liquids, wicks, powders, crystals, and cloth or paper wipes (towelettes).

Alternative control plan or ACP - any emissions averaging program approved by the District of Columbia pursuant to the provisions of this regulation.

Antenna coating - a coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.

Antifouling coating - a coating labeled formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling coating, the

coating must be registered with both the U.S. EPA under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. §136 *et seq.*) and with the District of Columbia Department of Health, Environmental Health Administration, Toxic Substances Division (20 DCMR Chapters 20-25).

Antimicrobial hand or body cleaner or soap – consist of the following:

- (a) A cleaner or soap that is designed to reduce the level of microorganisms on the skin through germicidal activity including but not limited to anti-microbial hand or body washes/cleaners, food-handler hand washes, healthcare personnel hand washes, pre-operative skin preparations, and surgical scrubs; and
- (b) Does not include prescription drug products, antiperspirants, astringent/toner, deodorant, facial cleaner or soap, general-use hand or body cleaner or soap, hand dishwashing detergent, including antimicrobial, heavy-duty hand cleaner or soap, medicated astringent/medicated toner, and rubbing alcohol.

Antiperspirant – any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least twenty percent (20%) in at least fifty percent (50%) of a target population.

Antique motor vehicle – a motor vehicle, but not a reproduction thereof, manufactured more than twenty-five (25) years prior to the current year that has been maintained in or restored to a condition that is substantially in conformance with manufacturer specifications.

Appurtenance – any accessory to a stationary structure coated at the site of installation, whether installed or detached including but not limited to bathroom and kitchen fixtures, cabinets, concrete forms, doors, elevators, fences, hand railings, lampposts, partitions pipes and piping systems, rain gutters and downspouts, stairways, fixed ladders, catwalks and fire escapes, window screens, air conditioning equipment, heating equipment, and other fixed mechanical equipment or stationary tools.

Architectural coating – consist of the following:

- (a) A coating to be applied to stationary structures at the site of installation, to appurtenances at the site of installation, to portable buildings at the site of installation, or to pavements or curbs;
- (b) Does not include coatings applied in shop applications or to non-stationary structures including but not limited to airplanes, ships, boats, railcars, and automobiles; and
- (c) Does not include adhesives.

ASTM – the American Society for Testing and Materials.

Astringent/toner – consist of the following:

- (a) Any product not regulated as a drug by the United States Food and Drug Administration (FDA) that is applied to the skin for the purpose of cleaning or tightening pores including but not limited to clarifiers and substrate-impregnated products; and
- (b) Does not include any hand, face, or body cleaner or soap product, medicated astringent/medicated toner, cold cream, lotion, or antiperspirant.

Automotive brake cleaner – a cleaning product designed to remove oil, grease, brake fluid, brake pad material or dirt from motor vehicle brake mechanisms.

Automotive elastomeric coating – a coating designed for application over surfaces of flexible mobile equipment and mobile equipment components, such as elastomeric bumpers.

Automotive hard paste wax – an automotive wax or polish which is designed to protect and improve the appearance of automotive paint surfaces, is a solid at room temperature, and contains zero percent (0%) water by formulation.

Automotive impact-resistant coating – a coating designed to resist chipping caused by road debris.

Automotive instant detailer – a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.

Automotive jamming clearcoat – a fast-drying, ready-to-spray clearcoat applied to surfaces such as door jams and trunk and hood edges to allow for quick closure.

Automotive lacquer – a thermoplastic coating applied directly to bare metal surfaces of mobile equipment and mobile equipment components which dries primarily by solvent evaporation, and which is resoluble in its original solvent.

Automotive low-gloss coating – a coating that exhibits a gloss reading less than or equal to twenty-five (25) on a sixty (60) degree glossmeter.

Automotive multi-colored topcoat – a topcoat that exhibits more than one (1) color, is packaged in a single container, and camouflages surface defects on areas of heavy use, such as cargo beds and other surfaces of trucks and other utility vehicles.

Automotive pretreatment – a primer that contains a minimum of 0.5% acid, by weight, that is applied directly to bare metal surfaces of mobile equipment and mobile equipment

components to provide corrosion resistance and to promote adhesion of subsequent coatings.

Automotive primer-sealer – a coating applied to mobile equipment and mobile equipment components prior to the application of a topcoat for the purpose of providing corrosion resistance, promoting adhesion of subsequent coatings, promoting color uniformity, and promoting the ability of the undercoat to resist penetration by the topcoat.

Automotive primer-surfacer – a coating applied to mobile equipment and mobile equipment components prior to the application of topcoat for the purpose of filling surface imperfections in the substrate, providing corrosion resistance, or promoting adhesion of subsequent coatings.

Automotive rubbing or polishing compound – a product designed primarily to remove oxidation, old paint, scratches or swirl marks, and other defects from the painted surfaces of motor vehicles without leaving a protective barrier.

Automotive specialty coating – coatings including but not limited to elastomeric coatings, adhesion promoters, low gloss coatings, bright metal trim repair coatings, jamming clearcoats, impact resistant coatings, rubberized asphaltic underbody coatings, uniform finish blenders, weld-through primers applied to automotive surfaces and lacquer topcoats applied to a classic motor vehicle or to an antique motor vehicle.

Automotive topcoat – a coating or series of coatings applied over an automotive primer-surfacer, automotive primer-sealer or existing finish on the surface of mobile equipment and mobile equipment components for the purpose of protection or beautification.

Automotive touch-up repair – the application of automotive topcoat finish materials to cover minor finishing imperfections equal to or less than one (1) inch in diameter.

Automotive wax, polish, sealant or glaze – consist of the following:

- (a) A product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle's painted surfaces including but not limited to products designed for use in autobody repair shops and drive-through car washes, as well as products designed for the general public; and
- (b) Does not include automotive rubbing or polishing compounds, automotive wash and wax products, surfactant-containing car wash products, and products designed for use on unpainted surfaces such as bare metal, chrome, glass, or plastic.

Automotive windshield washer fluid – consist of the following:

- (a) Any liquid designed for use in a motor vehicle windshield washer system either as an antifreeze or for the purpose of cleaning, washing, or wetting the windshield; and

- (b) Does not include fluids placed by the manufacturer in a new vehicle.

Batch vapor cleaning machine – consist of the following:

- (a) A vapor cleaning machine in which individual parts or a set of parts move through the entire cleaning cycle before new parts are introduced into the cleaning machine including but not limited to solvent cleaning machines including ferris wheel cleaners or cross rod machines, that clean multiple loads simultaneously and are manually loaded; and
- (b) Does not include machines which do not have a solvent/air interface, such as airless and air-tight cleaning systems.

Bathroom and tile cleaner – consist of the following:

- (a) A product designed to clean tile or surfaces in bathrooms; and
- (b) Does not include products specifically designed to clean toilet bowls or toilet tanks.

Bitumens – black or brown materials including but not limited to asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

Bituminous roof coating -- a coating that incorporates bitumens that is labeled and formulated exclusively for roofing.

Bituminous roof primer – a primer that incorporates bitumens that is labeled and formulated exclusively for roofing.

Bond breaker – a coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.

Bug and tar remover – a product designed to remove biological-type residues including but not limited to insect carcasses and tree sap and, road grime, including but not limited to road tar, roadway paint markings, and asphalt from painted motor vehicle surfaces without causing damage to the finish.

Calcimine recoater – a flat solventborne coating formulated and recommended specifically for recoating calcimine-painted ceilings and other calcimine-painted substrates.

CARB – the California Air Resources Board.

Carbon adsorber – a bed of activated carbon into which an air/solvent gas-vapor stream is routed and which adsorbs the solvent on the carbon.

Carburetor or fuel-injection air intake cleaners – consist of the following:

- (a) A product designed to remove fuel deposits, dirt, or other contaminants from a carburetor, choke, throttle body of a fuel-injection system, or associated linkages; and
- (b) Does not include products designed exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors.

Carpet and upholstery cleaner – consist of the following:

- (a) A cleaning product designed for the purpose of eliminating dirt and stains on rugs, carpeting, and the interior of motor vehicles and/or on household furniture or objects upholstered or covered with fabrics such as wool, cotton, nylon or other synthetic fabrics including but is not limited to products that make fabric protectant claims; and
- (b) Does not include general purpose cleaners, spot removers, vinyl or leather cleaners, dry cleaning fluids, or products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.

Charcoal lighter material – consist of the following:

- (a) Any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition; and
- (b) Does not include electrical starters and probes, metallic cylinders using paper tinder, natural gas, propane, or fat wood.

Classic motor vehicle – a motor vehicle, but not a reproduction thereof, manufactured at least fifteen (15) years prior to the current year, which has been maintained in or restored to a condition that is substantially in conformity with manufacturer specifications and appearance.

Clear brushing lacquers – clear wood finishes, excluding clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, which are intended exclusively for application by brush and which are labeled as specified in §752.

Clear wood coatings – clear and semi-transparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.

Coating – consist of the following:

- (a) A material applied onto or impregnated into a substrate for protective, decorative, or functional purposes; and
- (b) Includes but not limited to, paints, varnishes, sealers, and stains.

Cold cleaning machine – consist of the following:

- (a) A device or piece of equipment, containing and/or using an unheated liquid which contains greater than five percent (5%) volatile organic compound or five percent (5%) hazardous air pollutant (hap) by weight, where parts are placed to remove dirt, grease, oil or other contaminants and coatings, from the surfaces of the parts or to dry the parts; and
- (b) Does not include machines which do not have a solvent/air interface, such as airless and air-tight cleaning systems.

Colorant – any concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color or coloring material used in a consumer product for an aesthetic effect, or to dramatize an ingredient.

Compliance period – the period of time, not to exceed one (1) year, for which the ACP limit and ACP emissions are calculated and for which compliance with the ACP limit is determined, as specified in the ACP Agreement approving an ACP.

Concrete curing compound – a coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water.

Concrete surface retarder – a mixture of retarding ingredients such as extender pigments, primary pigments, resin, and solvent that interact chemically with the cement to prevent hardening on the surface where the retarder is applied, allowing the retarded mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.

Construction, panel, and floor covering adhesive – consists of the following:

- (a) Any one-component adhesive that is designed exclusively for the installation, remodeling, maintenance, or repair of:
 - (1) Structural and building components including but not limited to beams, trusses, studs, paneling, drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, pre-decorated hardboard or tileboard, ceiling and acoustical tile, molding, fixtures,

countertops or countertop laminates, cove or wall bases, and flooring or subflooring; or

- (2) Floor or wall coverings including but not limited to wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, non-resilient flooring material, mirror tiles and other types of tiles, and artificial grass; and

- (b) Does not include floor seam sealer.

Consumer – consist of the following:

- (a) Any person who purchases, or otherwise acquires any consumer product or a new portable fuel container or spout for personal, family, household, or institutional use; and
- (b) Does not include persons acquiring a consumer product or a portable fuel container or spout for resale.

Consumer product – consist of the following:

- (a) A chemically formulated product used by household and institutional consumers including but not limited to detergents, cleaning compounds, polishes, floor finishes, cosmetics, personal care products, home, lawn, and garden products, disinfectants, sanitizers, aerosol paints, and automotive specialty products; and
- (b) Does not include other paint products, furniture coatings, or architectural coatings.

Contact adhesive – consist of the following:

- (a) An adhesive designed for application to both surfaces to be bonded together, is allowed to dry before the two (2) surfaces are placed in contact with each other, forms an immediate bond that is impossible or difficult to reposition after both adhesive-coated surfaces are placed in contact with each other, and does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces; and
- (b) Does not include rubber cements that are primarily intended for use on paper substrates.

Contact person – a representative that has been designated by the responsible ACP party for the purpose of reporting or maintaining any information specified in the ACP Agreement approving an ACP.

Container/packaging – the part or parts of the consumer or institutional product which serve only to contain, enclose, incorporate, deliver, dispense, wrap or store the chemically formulated substance or mixture of substances which is solely responsible for accomplishing the purposes for which the product was designed or intended including but not limited to any article onto or into which the principal display panel and other accompanying literature or graphics are incorporated, etched, printed or attached.

Conversion varnish – consist of the following:

- (a) A clear acid curing coating with an alkyd or other resin blended with amino resins and supplied as a single component or two-component product; and
- (b) Produces a hard, durable, clear finish designed for professional application to wood flooring. The film formation is the result of an acid-catalyzed condensation reaction, affecting a transesterification at the reactive ethers of the amino resins.

Crawling bug insecticide – consist of the following:

- (a) Any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including but not limited to mites, silverfish or spiders; and
- (b) Does not include products designed to be used exclusively on humans or animals, or any house dust mite product;
 - (1) A house dust mite product is a product whose label, packaging, or accompanying literature states that the product is suitable for use against house dust mites, and does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods; and
 - (2) A house dust mite is a mite that feeds primarily on skin cells shed in the home by humans and pets and which belong to the phylum *Arthropoda*, the subphylum *Chelicerata*, the class *Arachnida*, the subclass *Acari*, the order *Astigmata*, and the family *Pyroglyphidae*.

Date-code – the day, month and year on which the consumer product was manufactured, filled, or packaged, or a code indicating such a date.

Day – unless other wise indicated refers to calendar days.

Deodorant – any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to minimize odor in the human axilla by retarding the growth of bacteria that cause the decomposition of perspiration.

Department – the District of Columbia Department of Health.

Device – consist of the following:

- (a) Any instrument or contrivance other than a firearm which is designed for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life other than humans and other than bacteria, virus, or other microorganisms on or in humans or other living animals; and
- (b) Does not include equipment used for the application of pesticides when sold separately.

Disinfectant – consist of the following:

- (a) Any product intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects and whose label is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. §136 *et seq.*);
- (b) Does not include products designed solely for use on human or animals, products designed for agricultural use, products designed solely for use in swimming pools, therapeutic tubs, or hot tubs; and
- (c) Does not include products that, as indicated on the principal display panel or label, are primarily designed for use as bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet bowl cleaners, or metal polishes.

District of Columbia sales – the net pounds of product, less packaging and container, per year in District of Columbia for either the year immediately prior to the year that the registration is due or, if that data is not available, any consecutive twelve (12) month period commencing no earlier than two (2) years prior to the due date of the registration. If direct sales data for District of Columbia is not available, sales may be estimated by prorating national or regional sales data by population.

Distributor – any person to whom a consumer product or portable fuel container or spout or both portable fuel container and spout is sold or supplied for the purposes of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors.

Double phase aerosol air freshener – an aerosol air freshener with the liquid contents in two (2) or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.

Dry cleaning fluid – consist of the following:

- (a) Any non-aqueous liquid product designed and labeled exclusively for use on fabrics which are labeled for dry clean only, including but not limited to clothing, draperies; or S-coded fabrics;
 - (1) Includes but is not limited to those products used by commercial dry cleaners and commercial businesses that clean fabrics such as draperies at the customer's residence or work place; and
 - (2) S-coded fabric is an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee; and
- (b) Does not include spot remover or carpet and upholstery cleaner.

Dry fog coating – a coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

Dusting aid – consist of the following:

- (a) A product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating; and
- (b) Does not include products that consist entirely of compressed gases for use in electronic or other specialty areas.

Dwell – holding parts within the freeboard area of a solvent cleaning machine but above the solvent vapor zone. This action is necessary after cleaning to allow solvent to drain from the parts or parts baskets back into the solvent cleaning machine.

Dwell time – the period of time between when a parts basket is placed in the vapor zone of a batch vapor or in-line vapor cleaning machine and when solvent dripping ceases. This period of time is determined by placing a basket of parts in the vapor zone and measuring the amount of time between when the parts are placed in the vapor zone and dripping ceases.

Electronic cleaner – a product designed specifically for the removal of dirt, grease or grime from electrical equipment such as electric motors, circuit boards, electricity panels, and generators.

Enforceable sales – the total amount of an ACP product sold for use in District of Columbia, during the applicable compliance period specified in the ACP Agreement approving an ACP, as determined through enforceable sales records, expressed to the nearest pound, excluding product container and packaging.

Enforceable sales record – a written, point-of-sale record or any other District of Columbia-approved system of documentation from which the mass, in pounds, less product container and packaging, of an ACP product sold to the end user in District of Columbia during the applicable compliance period can be accurately documented including but not limited to the following types of records:

- (a) Accurate records of direct retail or other outlet sales to the end user during the applicable compliance period;
- (b) Accurate compilations, made by independent market surveying services, of direct retail or other outlet sales to the end users for the applicable compliance period, provided that a detailed method which can be used to verify any data comprising such summaries is submitted by the responsible ACP party and approved by the Department; and
- (c) Any other accurate product sales records approved by the Department as meeting the criteria specified in this section.

Engine degreaser – a cleaning product designed to remove grease, grime, oil and other contaminants from the external surfaces of engines and other mechanical parts.

Exempt compound – a compound identified as exempt under the definition of volatile organic compound (VOC). Exempt compounds content of a coating shall be determined by U.S. EPA Method 24 or South Coast Air Quality Management District (SCAQMD) Method 303-91 (Revised February 1993).

Fabric protectant – consist of the following:

- (a) A product designed to be applied to fabric substrates to protect the surface from soiling from dirt and other impurities or to reduce absorption of liquid into the fabric's fibers; and
- (b) Does not include waterproofers, products designed for use solely on leather, or products designed for use solely on fabrics that are labeled for dry clean only and sold in containers of ten (10) fluid ounces or less.

Facial cleaner or soap – consist of the following:

- (a) A cleaner or soap designed primarily to clean the face including but not limited to facial cleansing creams, gels, liquids, lotions, and substrate-impregnated forms; and
- (b) Does not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, general-use hand or body cleaner or soap, medicated astringent/medicated toner, or rubbing alcohol.

Fat wood – consist of the following:

- (a) Pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling; and
- (b) Does not include any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.

Faux finishing coating – a coating labeled and formulated as a stain or a glaze to create artistic effects including but not limited to dirt, old age, smoke damage, and simulated marble and wood grain.

Fire-resistive coating – an opaque coating labeled and formulated to protect the structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials, that has been fire tested and rated by a testing agency and approved by District of Columbia building code officials for use in bringing assemblies of structural materials into compliance with federal or District of Columbia building code requirements;

- (a) The fire-resistive coating and the testing agency must be approved by District of Columbia building code officials; and
- (b) The fire-resistive coating shall be tested in accordance with ASTM Designation E 119-98, incorporated by reference in §754.

Fire-retardant coating – a coating labeled and formulated to retard ignition and flame spread, that has been fire tested and rated by a testing agency approved by District of Columbia building code officials for use in bringing building and construction materials into compliance with federal and District of Columbia building code requirements.

- (a) The fire-retardant coating and the testing agency must be approved by District of Columbia building code officials.
- (b) The fire-retardant coating shall be tested in accordance with ASTM Designation E 84-99, incorporated by reference in §754.

Flat coating – a coating that is not defined under any other definition in this rule and that registers gloss less than fifteen (15) on an eighty-five (85) degree meter or less than five (5) on a sixty (60) degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in §754.

Flea and tick insecticide – consist of the following:

- (a) Any insecticide product that is designed for use against fleas, ticks, their larvae, or their eggs; and

- (b) Does not include products that are designed to be used exclusively on humans or animals and their bedding.

Flexible flooring material – asphalt, cork, linoleum, no-wax, rubber, seamless vinyl and vinyl composite flooring.

Floor coating – an opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, and other horizontal surfaces, which may be subjected to foot traffic.

Floor polish or wax – consist of the following:

- (a) A wax, polish, or any other product designed to polish, protect, or enhance floor surfaces by leaving a protective coating that is designed to be periodically replenished; and
- (b) Does not include spray buff products, products designed solely for the purpose of cleaning floors, floor finish strippers, products designed for unfinished wood floors, and coatings subject to architectural coatings in §§749 through 754.

Floor seam sealer – any product designed and labeled exclusively for bonding, fusing, or sealing seams between adjoining rolls of installed flexible sheet flooring.

Floor wax stripper – consist of the following:

- (a) A product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers, or by dissolving or emulsifying the polish or wax; and
- (b) Does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.

Flow coating – a coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.

Flying bug insecticide – consist of the following:

- (a) Any insecticide product that is designed for use against flying insects or other flying arthropods including but not limited to flies, mosquitoes, moths, or gnats;
- (b) Does not include “wasp and hornet insecticide,” products that are designed to be used exclusively on humans or animals, or any moth-proofing product; and
- (c) Moth-proofing product means a product whose label, packaging, or accompanying literature indicates that the product is designed to protect fabrics

from damage by moths, but does not indicate that the product is suitable for use against flying insects or other flying arthropods.

Form-release compound – a coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.

Fragrance – a substance or complex mixture of aroma chemicals, natural essential oils, and other functional components, the sole purpose of which is to impart an odor or scent, or to counteract a malodor.

Freeboard ratio – consist of the following:

- (a) For a cold cleaning machine, the distance from the liquid solvent to the top edge of the cold cleaning machine divided by the width of the cold cleaning machine; and
- (b) For an operating batch vapor cleaning machine or an in-line vapor cleaning machine, the distance from the top of the solvent vapor layer to the top edge of the vapor cleaning machine divided by the width of the vapor cleaning machine.

Freeboard refrigeration device – a set of secondary coils mounted in the freeboard area of a solvent cleaning machine that carries a refrigerant or other chilled substance to provide a chilled air blanket above the solvent vapor. A solvent cleaning machine's primary condenser that is capable of maintaining a temperature in the center of the chilled air blanket at not more than thirty (30) percent of the solvent boiling point and is both a primary condenser and a freeboard refrigeration device.

Fuel – all fuels subject to any provision of 20 DCMT Chapter 9, and Title 13, California Code of Regulations, Chapter 5, Standards for Motor Vehicle Fuels, Sections 2250 - 2298, except for Sections 2292.5, 2292.6, and 2292.7.

Furniture maintenance product – consist of the following:

- (a) A wax, polish, conditioner, or any other product designed for the purpose of polishing, protecting or enhancing finished wood surfaces other than floors; and
- (b) Does not include dusting aids, products designed solely for the purpose of cleaning, and products designed to leave a permanent finish including but not limited to stains, sanding sealers and lacquers.

Furniture coating – any paint designed for application to room furnishings including but not limited to: cabinets, kitchen, bath and vanity; tables; chairs; beds; and sofas.

Gel – a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, including but not limited to jelly.

General purpose adhesive – consist of the following:

- (a) Any non-aerosol adhesive designed for use on a variety of substrates;
- (b) Does not include:
 - (1) Contact adhesives;
 - (2) Construction, panel, floor covering adhesives;
 - (3) Adhesives designed exclusively for application on one specific category of substrates including but not limited to substrates that are composed of similar materials, including but not limited to different types of metals, paper products, ceramics, plastics, rubbers, or vinyls; and
 - (4) Adhesives designed exclusively for use on one specific category of articles including but not limited to articles that may be composed of different materials but perform a specific function, including but not limited to gaskets, automotive trim, weather-stripping, or carpets.

General purpose cleaner – consist of the following:

- (a) A product designed for general all-purpose cleaning, in contrast to cleaning products designed to clean specific substrates in certain situations including but not limited to products designed for general floor cleaning, kitchen or countertop cleaning, and cleaners designed to be used on a variety of hard surfaces; and
- (b) Does not include general purpose degreasers and electronic cleaners.

General purpose degreaser – consist of the following;

- (a) Any product designed to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts;
- (b) Does not include engine degreaser, general purpose cleaner, adhesive remover, electronic cleaner, metal polish/cleanser, products used exclusively in solvent cleaning tanks or related equipment, or products that are sold exclusively to establishments which manufacture or construct goods or commodities and labeled not for retail sale; and
- (c) Solvent cleaning tanks or related equipment include, but are not limited to cold cleaners, vapor degreasers, conveyORIZED degreasers, film cleaning machines, or products designed to clean miscellaneous metallic parts by immersion in a container.

General-use hand or body cleaner or soap – consist of the following:

- (a) A cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils including but not limited to hand or body washes, dual-purpose shampoo-body cleaners, shower or bath gels, and moisturizing cleaners or soaps; and
- (b) Does not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, facial cleaner or soap, hand dishwashing detergent including but not limited to antimicrobial, heavy-duty hand cleaner or soap, medicated astringent/medicated toner, or rubbing alcohol.

Glass cleaner -- consist of the following:

- (a) A cleaning product designed primarily for cleaning surfaces made of glass; and
- (b) Does not include products designed solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment and photocopying machines.

Graphic arts coating or sign paint – a coating labeled and formulated for hand-application by artists using brush or roller techniques to indoor and outdoor signs excluding structural components and murals including letter enamels, poster colors, copy blockers, and bulletin enamels.

Gross District of Columbia sales – the estimated total District of Columbia sales of an ACP product during a specific compliance period expressed to the nearest pound, based on either of the following methods, whichever the responsible ACP party demonstrates to the satisfaction of the Department will provide an accurate District of Columbia sales estimate:

- (a) Apportionment of national or regional sales of the ACP product to District of Columbia sales, determined by multiplying the average national or regional sales of the product by the fraction of the national or regional population, respectively, that is represented by District of Columbia's current population; or
- (b) Any other documented method that provides an accurate estimate of the total current District of Columbia sales of the ACP product.

Hair mousse – a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.

Hair shine – consist of the following:

- (a) Any product designed for the primary purpose of creating a shine when applied to the hair including but is not limited to dual-use products designed primarily to impart a sheen to the hair; and
- (b) Does not include hair spray, hair mousse, hair styling gel, spray gel, or products whose primary purpose is to condition or hold the hair.

Hair styling gel – a high viscosity, often gelatinous, product that contains a resin and is designed for the application to hair to aid in styling and sculpting of the hair coiffure.

Hair spray – a consumer product designed primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure which will impart sufficient rigidity to the coiffure to establish or retain the style for a period of time.

Heavy-duty hand cleaner or soap – consist of the following:

- (a) A product designed to clean or remove difficult dirt and soils such as oil, grease, grime, tar, shellac, putty, printer's ink, paint, graphite, cement, carbon, asphalt, or adhesives from the hand with or without the use of water; and
- (b) Does not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, facial cleaner or soap, general-use hand or body cleaner or Soap, medicated astringent/medicated toner, or rubbing alcohol.

Herbicide – a pesticide product designed to kill or retard a plant's growth, but excludes products that are for agricultural use, or restricted materials that require a permit for use and possession.

High-temperature coating – a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above two-hundred and four degrees Celsius (204°C or 400°F).

High volatility organic compound (HVOC) – any volatile organic compound that exerts a vapor pressure greater than eighty (80) millimeters of mercury (mm Hg) when measured at twenty degrees Celsius (20°C).

Household product – any consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.

Immersion cold cleaning machine – a cold cleaning machine in which the parts are immersed in the solvent when being cleaned.

Impacted immersion coating – a high performance maintenance coating formulated and recommended for application to steel structures subject to immersion in turbulent, debris-

laden water. These coatings are specifically resistant to high-energy impact damage caused by floating ice or debris.

Industrial maintenance coating – a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates exposed to one or more of the following extreme environmental conditions listed as follows and labeled as set forth in §752:

- (a) Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposures of interior surfaces to moisture condensation;
- (b) Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions;
- (c) Repeated exposure to temperatures above one-hundred and twenty-one degrees Celsius (121°C or 250°F);
- (d) Repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial solvents, cleansers, or scouring agents; or
- (e) Exterior exposure of metal structures and structural components.

In-line vapor cleaning machine – a vapor cleaning machine that uses an automated parts handling system, typically a conveyor, to automatically provide a supply of parts to be cleaned. In-line vapor cleaning machines are fully enclosed except for the conveyor inlet and exit portals.

Insecticide – consist of the following:

- (a) A pesticide product that is designed for use against insects or other arthropods; and
- (b) Does not include products that are for agricultural use, for a use that requires a structural pest control license under applicable District of Columbia laws or regulations, or restricted materials that require a permit for use and possession.

Insecticide fogger – any insecticide product designed to release all or most of its content, as a fog or mist, into indoor areas during a single application.

Institutional product or industrial and institutional (I&I) product – consist of the following:

- (a) A consumer product that is designed for use in the maintenance or operation of an establishment that manufactures, transports, sells goods or commodities, provides services for profit; or is engaged in the nonprofit promotion of a particular public, educational, or charitable cause including but not limited to, government

agencies, factories, schools, hospitals, sanitariums, prisons, restaurants, hotels, stores, automobile service and parts centers, health clubs, theaters, or transportation companies; and

- (b) Does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

Label – any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon any consumer product or consumer product package, for purposes of branding, identifying, or giving information with respect to the product or to the contents of the package.

Lacquer – a clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film.

Laundry prewash – a product that is designed for application to a fabric prior to laundering and that supplements and contributes to the effectiveness of laundry detergents and/or provides specialized performance.

Laundry starch product – a product that is designed for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and may also act to help ease ironing of the fabric including but not limited to fabric finish, sizing, and starch.

Lawn and garden insecticide – an insecticide product designed primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods.

Liquid – consist of the following:

- (a) A substance or mixture of substances that is capable of a visually detectable flow as determined under ASTM D-4359-90; and
- (b) Does not include powders or other materials that are composed entirely of solid particles.

Low-solids coating – a coating containing 0.12 kilograms or less of solids per liter (one (1) pound or less of solids per gallon) of coating material.

Lubricant – consist of the following:

- (a) A product designed to reduce friction, heat, noise, or wear between moving parts, or to loosen rusted or immovable parts or mechanisms; and
- (b) Does not include automotive power steering fluids, products for use inside power generating motors, engines, and turbines, and their associated power-transfer

gearboxes, two cycle oils or other products designed to be added to fuels, products for use on the human body or animals, products that are sold exclusively to establishments which manufacture or construct goods or commodities, and products labeled not for retail sale.

LVP content – the total weight, in pounds, of LVP compounds in an ACP product multiplied by one-hundred (100) and divided by the product's total net weight, in pounds, excluding container and packaging, expressed to the nearest 0.1.

LVP-VOC -- consist of the following:

- (a) A chemical compound or mixture that contains at least one (1) carbon atom and meets one of the following:
 - (1) Has a vapor pressure less than 0.1 mm Hg at twenty degrees Celsius (20°C), as determined by CARB Method 310;
 - (2) Is a chemical "compound" with more than twelve (12) carbon atoms, or a chemical "mixture" comprised solely of "compounds" with more than twelve (12) carbon atoms, and the vapor pressure is unknown;
 - (3) Is a chemical "compound" with a boiling point greater than two-hundred and sixteen degrees Celsius (216°C), as determined by CARB Method 310; or
 - (4) Is the weight percent of a chemical "mixture" that boils above two-hundred and sixteen degrees Celsius (216° C), as determined by CARB Method 310;
- (b) Chemical compound means a molecule of definite chemical formula and isomeric structure, and
- (c) Chemical mixture means a substrate comprised of two or more chemical compounds.

Magnesite cement coating -- a coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

Manufacturer -- any person who imports, manufactures, assembles, produces, packages, repackages, or re-labels a consumer product or portable fuel container or spout or both portable fuel container and spout.

Mastic texture coating -- a coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least ten

(10) mils (0.010 inch) dry film thickness.

Medicated astringent /medicated toner – consist of the following:

- (a) Any product regulated as a drug by the FDA that is applied to the skin for the purpose of cleaning or tightening pores including but not limited to clarifiers and substrate-impregnated products; and
- (b) Does not include hand, face, or body cleaner or soap products, astringent/toner," cold cream, lotion, antiperspirants, or products that must be purchased with a doctor's prescription.

Medium volatility organic compound (MVOC) – any volatile organic compound that exerts a vapor pressure greater than two (2) millimeters of mercury (mm Hg) and less than or equal to eighty (80) mm Hg when measured at twenty degrees Celsius (20°C).

Metallic pigmented coating – a coating containing at least forty-eight (48) grams of elemental metallic pigment per liter of coating as applied (0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95, incorporated by reference in §754.

Metal polish /cleanser – consist of the following:

- (a) Any product designed primarily to improve the appearance of finished metal, metallic, or metallized surfaces by physical or chemical action;
 - (1) Includes, but is not limited to, metal polishes used on brass, silver, chrome, copper, stainless steel and other ornamental metals; and
 - (2) To improve the appearance is to remove or reduce stains, impurities, or oxidation from surfaces or to make surfaces smooth and shiny; and
- (b) Does not include automotive wax, polish, sealant or glaze, wheel cleaner, paint remover or stripper, products designed and labeled exclusively for automotive and marine detailing, or products designed for use in degreasing tanks.

Missing data days – the number of days in a compliance period for which the responsible ACP party has failed to provide the required enforceable sales or VOC content data to the Department, as specified in the ACP Agreement approving an ACP.

Mist spray adhesive – any aerosol that is not a special purpose spray adhesive and which delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.

Mobile equipment – equipment which may be driven or is capable of being driven on a roadway including but not limited to automobiles, trucks, truck cabs, truck bodies, truck

trailers, buses, motorcycles, utility bodies, camper shells, mobile cranes, bulldozers, street cleaners, golf carts, ground support vehicles, used in support of aircraft activities at airports, and farm equipment.

Multi-color coating – a coating that is packaged in a single container and that exhibits more than one color when applied in a single coat.

Multi-purpose dry lubricant – any lubricant which is designed and labeled to provide lubricity by depositing a thin film of graphite, molybdenum disulfide (moly), or polytetrafluoroethylene or closely related fluoropolymer (teflon) on surfaces, and designed for general purpose lubrication, or for use in a wide variety of applications.

Multi-purpose lubricant – any lubricant designed for general purpose lubrication, or for use in a wide variety of applications. This term does not include multi-purpose dry lubricants, penetrants, or silicone-based multi-purpose lubricants.

Multi-purpose solvent – consist of the following:

- (a) Any organic liquid designed to be used for a variety of purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing or dissolving other organic materials;
- (b) Includes solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories; and
- (c) Does not include solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines, or solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment.

Nail polish – any clear or colored coating designed for application to the fingernails or toenails and including but not limited to, lacquers, enamels, acrylics, base coats and top coats.

Nail polish remover – a product designed to remove nail polish and coatings from fingernails or toenails.

Nominal capacity – the volume indicated by the manufacturer that represents the maximum recommended filling level.

Non-aerosol product – any consumer product that is not dispensed by a pressurized spray system.

Non-carbon containing compound – any compound that does not contain any carbon atoms.

Non-flat coating – a coating that is not defined under any other definition in this rule and that registers a gloss of fifteen (15) or greater on an eighty-five (85) degree meter and five (5) or greater on a sixty (60) degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in §754.

Non-flat - high gloss coating – a non-flat coating that registers a gloss of seventy (70) or above on a sixty (60) degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference into §741.1(e)(3).

Nonindustrial use – any use of architectural coatings except in the construction or maintenance of any of the following:

- (a) Facilities used in the manufacturing of goods and commodities;
- (b) Transportation infrastructure, including highways, bridges, airports and railroads;
- (c) Facilities used in mining activities, including petroleum extraction; and
- (d) Utilities infrastructure, including power generation and distribution, and water treatment and distribution systems.

Nonresilient flooring – flooring of a mineral content that is not flexible including but not limited to terrazzo, marble, slate, granite, brick, stone, ceramic tile and concrete.

Non-selective terrestrial herbicide – a terrestrial herbicide product that is toxic to plants without regard to species.

Nuclear coating – a protective coating formulated and recommended to seal porous surfaces such as steel or concrete that otherwise would be subject to intrusion by radioactive materials;

- (a) These coatings must be resistant to long-term (service life) cumulative radiation exposure in accordance with ASTM Method D 4082-89, Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants; and
- (b) Relatively easy to decontaminate, and resistant to various chemicals to which the coatings are likely to be exposed in accordance with ASTM Method D 3912-80 (Reapproved 1989), Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants.

One-product business – a responsible ACP party that sells, supplies, offers for sale, or manufactures for use in District of Columbia:

- (a) Only one (1) distinct ACP product, sold under one (1) product brand name, which is subject to the requirements of §720; or

- (b) Only one (1) distinct ACP product line subject to the requirements of §720, in which all the ACP products belong to the same product category(ies) and the VOC Contents in the products are within ninety-eight (98) percent and one-hundred and two (102) percent of the arithmetic mean of the VOC Contents over the entire product line.

Outboard engine – a spark-ignition marine engine that, when properly mounted on a marine watercraft in the position to operate, houses the engine and drive unit external to the hull of the marine watercraft.

Oven cleaner – any cleaning product designed to clean and to remove dried food deposits from oven walls.

Paint – any pigmented liquid, liquefiable, or mastic composition designed for application to a substrate in a thin layer which is converted to an opaque solid film after application and is used for protection, decoration or identification, or to serve some functional purpose including but not limited to the filling or concealing of surface irregularities or the modification of light and heat radiation characteristics.

Paint remover or stripper – consist of the following:

- (a) Any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate; and
- (b) Does not include multi-purpose solvents, paint brush cleaners, products designed and labeled exclusively to remove graffiti, and hand cleaner products that claim to remove paints and other related coatings from skin.

Penetrant – consist of the following:

- (a) A lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes; and
- (b) Does not include multi-purpose lubricants that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts.

Permeation – means the process by which individual fuel molecules may penetrate the walls and various assembly components of a portable fuel container directly to the outside ambient air.

Pesticide – consist of the following:

- (a) Any substance or mixture of substances labeled, designed, or intended for use in preventing, destroying, repelling or mitigating any pest, or any substance or

mixture of substances labeled, designed, or intended for use as a defoliant, desiccant, or plant regulator; and

- (b) Does not include any substance, mixture of substances, or device that the United States Environmental Protection Agency does not consider to be a pesticide.

Portable fuel container – any container or vessel with a nominal capacity of ten (10) gallons or less intended for reuse that is designed or used primarily for receiving, transporting, storing, and dispensing fuel.

Post-consumer coating – a finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer, and does not include manufacturing wastes.

Pre-ACP VOC content – the lowest VOC content of an ACP product between January 1, 1990 and the date on which the application for a proposed ACP is submitted to the Department, based on either the data on the product obtained from the March 12, 1991 CARB Consumer Products Survey, or other accurate records available to the Department, whichever yields the lowest VOC content for the product.

Pre-Treatment Wash Primer – a primer that contains a minimum of 0.5 acid, by weight, when tested in accordance with ASTM Designation D 1613-96, incorporated by reference into §754.1(e)(5), that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.

Primer – a coating labeled and formulated for application to a substrate to provide a firm bind between the substrate and subsequent coats.

Principal display panel or panels – that part, or those parts of a label that are so designed as to most likely be displayed, presented, shown or examined under normal and customary conditions of display or purchase.

Product brand name – the name of the product exactly as it appears on the principal display panel of the product.

Product category – the applicable category that best describes the product with respect to its nominal capacity, material construction, fuel flow rate, and permeation rate, as applicable, as determined by the District of Columbia.

Product line – a group of products of identical form and function belonging to the same product category.

Propellant – a liquefied or compressed gas that is used in whole or in part, such as a co-solvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container.

Pump spray – a packaging system in which the product ingredients within the container are not under pressure and in which the product is expelled only while a pumping action is applied to a button, trigger or other actuator.

Quick-dry enamel – a non-flat coating that is labeled as specified in §752.1(h) and that is formulated to have the following characteristics:

- (a) Is capable of being applied directly from the container under normal conditions with ambient temperatures between sixteen degrees Celsius (16°C) and twenty-seven degrees Celsius (27° C) (60° and 80°F);
- (b) When tested in accordance with ASTM Designation D 1640-95, incorporated by reference in §754, sets to touch in two (2) hours or less, is tack free in four (4) hours or less, and dries hard in eight (8) hours or less by the mechanical test method; and
- (c) Has a dried film gloss of seventy (70) or above on a sixty (60) degree meter.

Quick-dry primer sealer and undercoater – a primer, sealer, or undercoater that is dry to the touch in thirty (30) minutes and can be re-coated in two (2) hours when tested in accordance with ASTM Designation D 1640-95, incorporated by reference in §754.

Reconcile or reconciliation – to provide sufficient VOC emission reductions to completely offset any shortfalls generated under the ACP during an applicable compliance period.

Reconciliation of shortfalls plan – the plan to be implemented by the responsible ACP party when shortfalls have occurred, as approved by the Department pursuant to §732.

Recycled coating – an architectural coating formulated such that not less than fifty (50) percent of the total weight consists of secondary and post-consumer coating, with not less than ten (10) percent of the total weight consisting of post-consumer coating.

Reduced room draft – decreasing the flow or movement of air across the top of the freeboard area of a solvent cleaning machine to less than fifty (50) feet per minute (15.2 meters per minute) by methods including but not limited to redirecting fans and/or air vents, moving a machine to a corner where there is less room draft, or constructing a partial or complete enclosure.

Remote reservoir cold cleaning machine – a machine in which liquid solvent is pumped to a sink-like work area that immediately drains solvent back into an enclosed container while parts are being cleaned, allowing no solvent to pool in the work area.

Residence – areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.

Responsible party – the company, firm or establishment that is listed on the product's label. If the label lists two companies, firms or establishments, the responsible party is the party that the product was manufactured for or distributed by, as noted on the label.

Responsible ACP party – the company, firm or establishment that is listed on the ACP product's label. If the label lists two (2) or more companies, firms, or establishments, the responsible ACP party is the party that the ACP product was manufactured for or distributed by, as noted on the label.

Restricted materials – pesticides established as restricted materials under applicable District of Columbia laws or regulations.

Retailer – any person who owns, leases, operates, controls, sells, supplies, or offers consumer products for sale directly to consumers or supervises a retail outlet.

Retail outlet – any establishment at which consumer products or portable fuel containers or spouts or both portable fuel containers and spouts are sold, supplied, or offered for sale directly to consumers.

Roll-on product – any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.

Roof coating – consist of the following:

- (a) A non-bituminous coating labeled and formulated exclusively for application to roofs for the primary purpose of preventing penetration of the substrate by water or reflecting heat and ultraviolet radiation; and
- (b) Does not include metallic pigmented roof coatings.

Rubber and vinyl protectant – consist of the following:

- (a) Any product designed to protect, preserve or renew vinyl, rubber, and plastic on vehicles, tires, luggage, furniture, and household products such as vinyl covers, clothing, and accessories; and
- (b) Does not include products primarily designed to clean the wheel rim, such as aluminum or magnesium wheel cleaners, and tire cleaners that do not leave an appearance-enhancing or protective substance on the tire.

Rubbing alcohol – any product containing isopropyl alcohol (also called isopropanol) or denatured ethanol and labeled for topical use, usually to decrease germs in minor cuts and scrapes, to relieve minor muscle aches, as a rubefacient, and for massage.

Rust preventive coating – a coating formulated exclusively for nonindustrial use to prevent the corrosion of metal surfaces and labeled as specified in §752.1(f).

Sanding sealer – consist of the following:

- (a) A clear or semi-transparent wood coating labeled and formulated for application to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings; and
- (b) Does not include sanding sealers that also meet the definition of a lacquer.

SCAQMD – South Coast Air Quality Management District.

Sealant and caulking compound – consist of the following:

- (a) Any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two surfaces;
- (b) Does not include roof cements and roof sealants, insulating foams, removable caulking compounds, clear/paintable/water resistant caulking compounds, floor seam sealers, products designed exclusively for automotive uses, or sealers that are applied as continuous coatings;
 - (1) Removable caulking compounds are compounds which temporarily seals windows or doors for three to six month time intervals, and
 - (2) Clear/paintable/water resistant caulking compounds are compound that contains no appreciable level of opaque fillers or pigments, transmits most or all visible light through the caulk when cured, is paintable, and is immediately resistant to precipitation upon application; and
- (c) Does not include units of product, less packaging, which weigh more than one pound and consist of more than sixteen (16) fluid ounces.

Sealer – a coating labeled and formulated for application to a substrate for one or more of the following purposes:

- (a) To prevent subsequent coatings from being absorbed by the substrate; or
- (b) To prevent harm to subsequent coatings by materials in the substrate.

Secondary coating (rework) – consist of the following:

- (a) A fragment of a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value; and
- (b) Does not include excess virgin resources of the manufacturing process.

Semisolid – a product that, at room temperature, will not pour, but will spread or deform easily, including gels, pastes, and greases.

Shaving cream – an aerosol product which dispenses a foam lather intended to be used with a blade or cartridge razor, or other wet-shaving system, in the removal of facial or other bodily hair.

Shellac – a clear or opaque coating formulated solely with the resinous secretions of the lac beetle (*Lacifera lacca*), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.

Shop application – application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process including but not limited to original equipment manufacturing coatings.

Shortfall – consist of the following:

- (a) The ACP emissions minus the ACP limit when the ACP emissions were greater than the ACP limit during a specified compliance period, expressed to the nearest pound of VOC; and
- (b) Does not include emissions occurring prior to the date that the ACP Agreement approving an ACP is signed by the Department.

Silicone-based multi-purpose lubricant – consist of the following:

- (a) Any lubricant which is designed and labeled to provide lubricity primarily through the use of silicone compounds including but not limited to polydimethylsiloxane, and designed and labeled for general purpose lubrication, or for use in a wide variety of applications; and
- (b) Does not include products designed and labeled exclusively to release manufactured products from molds.

Single phase aerosol air freshener – an aerosol air freshener with the liquid contents in a single homogeneous phase and which does not require that the product container be shaken before use.

Small business – shall have the same meaning as defined in applicable District of Columbia laws and regulations.

Solicit – to require for use or to specify, by written or oral contract.

Solid – a substance or mixture of substances that, either whole or subdivided, is not capable of visually detectable flow as determined under ASTM D-4359-90, incorporated by reference.

Solvent/air interface – the location of contact between the concentrated solvent vapor layer and the air:

- (a) This location of contact is defined as the mid-line height of the primary condenser coils; and
- (b) For a cold cleaning machine, it is the location of contact between the liquid solvent and the air.

Solvent cleaning machine – a device or piece of equipment that uses solvent liquid or vapor to remove contaminants, including but not limited to dirt, grease, oil, and coatings, from the surfaces of materials. Types of solvent cleaning machines include but are not limited to batch vapor cleaning machines, in-line vapor cleaning machines, immersion cold cleaning machines, remote reservoir cold cleaning machines, airless cleaning systems and air-tight cleaning systems.

Solvent cleaning machine automated parts handling system – a mechanical device that carries all parts and parts baskets at a controlled speed from the initial loading of soiled or wet parts through the removal of the cleaned or dried parts.

Solvent cleaning machine down time – the period when a solvent cleaning machine is not cleaning parts and the sump heating coils, if present, are turned off.

Solvent cleaning machine idle time – the period when a solvent cleaning machine is not actively cleaning parts and the sump heating coil, if present, is turned on.

Special purpose spray adhesive – an aerosol adhesive that meets any of the following definitions:

- (a) Mounting adhesive – an aerosol adhesive designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork;
- (b) Flexible vinyl adhesive – an aerosol adhesive designed to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chloride plastic with at least five (5) percent, by weight, of plasticizer content. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a plastic to

increase its flexibility, workability, or distensibility, and may be determined using ASTM Method E260-91 or from product formulation data;

- (c) Polystyrene foam adhesive – an aerosol adhesive designed to bond polystyrene foam to substrates;
- (d) Automobile headliner adhesive – an aerosol adhesive designed to bond together layers in motor vehicle headliners;
- (e) Polyolefin adhesive – an aerosol adhesive designed to bond polyolefins to substrates;
- (f) Laminate repair/edgebanding adhesive – consist of the following:
 - (1) An aerosol adhesive designed for the touch-up or repair of items laminated with high pressure laminates including but not limited to lifted edges, delaminates, or for the touch-up, repair, or attachment of edgebanding materials, including but not limited to, other laminates, synthetic marble, veneers, wood molding, and decorative metals; and
 - (2) High pressure laminate means sheet materials which consist of paper, fabric, or other core material that have been laminated at temperatures exceeding two-hundred and sixty-five degrees Fahrenheit (265° F), and at pressures between one-thousand (1,000) and one-thousand four-hundred (1,400) pounds per square inch (psi); and
- (g) Automotive engine compartment adhesive - an aerosol adhesive designed for use in motor vehicle under-the-hood applications that require oil and plasticizer resistance, as well as high shear strength, at temperatures of two-hundred to two-hundred and seventy-five degrees Fahrenheit (200 - 275° F).

Specialty primer, sealer, and undercoater – a coating labeled as specified in §752.1(g) and that is formulated for application to a substrate to seal fire, smoke or water damage, to condition excessively chalky surfaces, or to block stains. An excessively chalky surface is one that is defined as having a chalk rating of four (4) or less as determined by ASTM Designation D 4214-98, incorporated by reference in §754.1(e)(7).

Spill proof spout – any spout that complies with all of the performance standards specified in §736.2.

Spill-proof system – any configuration of portable fuel container and firmly attached spout that complies with all of the performance standards in §736.1.

Spot remover – consist of the following:

- (a) Any product designed to clean localized areas, or remove localized spots or stains on cloth or fabric such as drapes, carpets, upholstery, and clothing, that does not require subsequent laundering to achieve stain removal; and
- (b) Does not include dry cleaning fluid, laundry prewash, carpet and upholstery cleaner, or multi-purpose solvent.

Spout – any device that can be firmly attached to a portable fuel container for conducting pouring through which the contents of a portable fuel container can be dispensed.

Spray buff product – a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.

Stain – a clear, semi-transparent, or opaque coating labeled and formulated to change the color of a surface, but not conceal the grain pattern or texture.

Stick product – any antiperspirant or deodorant that contains active ingredients in a solid matrix form, and that dispenses the active ingredients by frictional action on the affected area.

Structural waterproof adhesive – in accordance with the Federal Consumer Products Regulation, 40 C.F.R. 59 Subpart C, an adhesive whose bond lines are resistant to conditions of continuous immersion in fresh or salt water, and that conforms with Federal Specification MMM-A-181 (Type 1, Grade A), and MIL-A-4605 (Type A, Grade A and Grade C).

Superheated vapor system – a system that heats the solvent vapor to a temperature of ten degrees Fahrenheit (10° F) above the solvent's boiling point. Parts are held in the superheated vapor before exiting the machine to evaporate the liquid solvent on the parts.

Surplus reduction – the ACP limit minus the ACP emissions when the ACP limit was greater than the ACP emissions during a given compliance period, expressed to the nearest pound of VOC. Except as provided in §732.11 this term does not include emissions occurring prior to the date that the ACP Agreement approving an ACP is signed by the Department.

Surplus trading – the buying, selling, or transfer of Surplus Reductions between responsible ACP parties.

Swimming pool coating – a coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals.

Swimming pool repair and maintenance coating – a rubber-based coating labeled and formulated to be used over existing rubber-based coatings for the repair and maintenance of swimming pools.

Table B compound – any carbon-containing compound listed as an exception to the definition of VOC.

Target fuel tank – any receptacle that receives fuel from a portable fuel container.

Temperature-indicator safety coating – a coating labeled and formulated as a color-changing indicator coating for the purpose of monitoring the temperature and safety of the substrate, underlying piping, or underlying equipment, and for application to substrates exposed continuously or intermittently to temperatures above two-hundred and four degrees Celsius (204°C) or four hundred degrees Fahrenheit (400°F).

Terrestrial – to live on or grow from land.

Thermoplastic rubber coating and mastic – a coating or mastic formulated and recommended for application to roofing or other structural surfaces and that incorporates no less than 40 percent by weight of thermoplastic rubbers in the total resin solids and may also contain other ingredients including but not limited to fillers, pigments, and modifying resins.

Tint base – an architectural coating to which colorant is added after packaging in sale units to produce a desired color.

Tire sealant and inflation – any pressurized product that is designed to temporarily inflate and seal a leaking tire.

Total maximum historical emissions (TMHE) – consist of the following:

- (a) The total VOC emissions from all ACP products for which the responsible ACP party has failed to submit the required VOC content or enforceable sales records. This term shall be calculated for each ACP product during each portion of a compliance period for which the responsible ACP has failed to provide the required VOC Content or Enforceable Sales records; and
- (b) Shall be expressed to the nearest pound and calculated according to the following calculation:

$$TMHE = (MHE)_1 + (MHE)_2 + \dots + (MHE)_N$$

$$MHE = \left(\frac{\text{Highest VOC Content} \times \text{Highest Sales}}{100 \times 365} \right) \times \text{Missing Data Days}$$

where,

Highest VOC Content = the maximum VOC content which the ACP product has contained in the previous five (5) years, if the responsible ACP party has failed to meet the requirements for reporting VOC Content data (for any portion of the

compliance period), as specified in the ACP Agreement approving the ACP, or the current actual VOC Content, if the responsible ACP party has provided all required VOC Content data (for the entire compliance period), as specified in the ACP Agreement;

Highest Sales = the maximum one (1) year Gross District of Columbia Sales of the ACP product in the previous five (5) years, if the responsible ACP party has failed to meet the requirements for reporting Enforceable Sales records (for any portion of the compliance period), as specified in the ACP Agreement approving the ACP, or the current actual one (1) year Enforceable Sales for the product, if the responsible ACP party has provided all required Enforceable Sales records (for the entire compliance period), as specified in the ACP Agreement approving the ACP;

Missing Data Days = the number of days in a compliance period for which the responsible ACP party has failed to provide the required Enforceable Sales or VOC Content data as specified in the ACP Agreement approving an ACP; and

1, 2, ..., N = each product in an ACP, up to the maximum N, for which the responsible ACP party has failed to submit the required Enforceable Sales or VOC Content data as specified in the ACP Agreement approving an ACP.

Traffic marking coating – a coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces including but not limited to curbs, berets, driveways, parking lots, sidewalks, and airport runways.

Type A propellant – a compressed gas such as CO₂, N₂, N₂O, or compressed air that is used as a propellant, and is either incorporated with the product or contained in a separate chamber within the product's packaging.

Type B propellant – any halocarbon that is used as a propellant including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs).

Type C propellant – any propellant that is not a Type A or Type B propellant, including propane, isobutane, n-butane, and dimethyl ether (also known as dimethyl oxide).

Undercoater – a coating labeled and formulated to provide a smooth surface for subsequent coatings.

Undercoating – any aerosol product designed to impart a protective, non-paint layer to the undercarriage, trunk interior, and/or firewall of motor vehicles to prevent the formation of rust or to deaden sound including but not limited to rubberized, mastic, or asphaltic products.

Usage directions -- the text or graphics on the product's principal display panel, label, or accompanying literature that describes to the end user how and in what quantity the product is to be used.

Vapor cleaning machine -- consist of the following:

- (a) A solvent cleaning machine that boils liquid solvent, generating a vapor, or that heats liquid solvent that is used as part of the cleaning or drying cycle; and
- (b) Does not include machines which do not have a solvent/air interface, such as airless and air-tight cleaning systems.

Vapor cleaning machine primary condenser -- a series of circumferential cooling coils on a vapor cleaning machine through which a chilled substance is circulated or recirculated to provide continuous condensation of rising solvent vapors, and thereby, create a concentrated vapor zone.

Vapor up control switch -- a thermostatically controlled switch that shuts off or prevents condensate from being sprayed when there is no vapor. On in-line vapor cleaning machines the switch also prevents the conveyor from operating when there is no vapor.

Varnish -- a clear or semi-transparent wood coating, excluding lacquers and shellacs, formulated to dry by chemical reaction on exposure to air. Varnishes may contain small amounts of pigment to color a surface, or to control the fetal sheen or gloss of the finish.

Volatile organic compound (VOC) -- consist of the following:

- (a) Any compound containing at least one atom of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:
 - (1) methane;
 - (2) methylene chloride (dichloromethane);
 - (3) 1,1,1-trichloroethane (methyl chloroform);
 - (4) trichlorofluoromethane (CFC-11);
 - (5) dichlorodifluoromethane (CFC-12);
 - (6) 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
 - (7) 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
 - (8) chloropentafluoroethane (CFC-115);

- (9) chlorodifluoromethane (HCFC-22);
 - (10) 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);
 - (11) 1,1-dichloro-1-fluoroethane (HCFC-141b);
 - (12) 1-chloro-1,1-difluoroethane (HCFC-142b);
 - (13) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
 - (14) trifluoromethane (HFC-23);
 - (15) 1,1,2,2-tetrafluoroethane (HFC-134);
 - (16) 1,1,1,2-tetrafluoroethane (HFC-134a);
 - (17) pentafluoroethane (HFC-125);
 - (18) 1,1,1-trifluoroethane (HFC-143a);
 - (19) 1,1-difluoroethane (HFC-152a);
 - (20) cyclic, branched, or linear completely methylated siloxanes; and
 - (21) the following classes of perfluorocarbons:
 - (A) cyclic, branched, or linear, completely fluorinated alkanes;
 - (B) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 - (C) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations;
 - (D) sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds to carbon and fluorine, and
- (b) The following low-reactive organic compounds that have been exempted by the U.S. EPA:
- (1) acetone;
 - (2) ethane;
 - (3) methyl acetate;

- (4) parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene); and
- (5) perchloroethylene (tetrachloroethylene).

VOC content – consist of the following:

- (a) For the purpose of §§719 through 734, except for charcoal lighter products, the total weight of VOC in a product expressed as a percentage of the product weight, exclusive of the container or packaging, as determined pursuant to §728.1(a) and (b);
- (b) For charcoal lighter material products only:

$$VOC\ Content = \frac{(Certified\ Emissions \times 100)}{Certified\ Use\ Rate}$$

Certified Emissions = the emissions level for products approved by the District of Columbia under §727, as determined pursuant to South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991), expressed to the nearest 0.001 pound CH₂ per start;

Certified Use Rate = the usage level for products approved by the District of Columbia under §727, as determined pursuant to South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991), expressed to the nearest 0.001 pound certified product used per start; and

- (c) For the purpose of §§749 through 754, the weight of VOC per volume of coating, calculated according to the procedures specified in §754.1.

Wasp and hornet insecticide – any insecticide product that is designed for use against wasps, hornets, yellow jackets or bees by allowing the user to spray from a distance a directed stream or burst at the intended insects, or their hiding place.

Waterproofer – consist of the following:

- (a) A product designed and labeled exclusively to repel water from fabric or leather substrates; and
- (b) Does not include fabric protectants.

Waterproofing concrete/masonry sealer – a clear or pigmented film-forming coating that is labeled and formulated for sealing concrete and masonry to provide resistance against water, alkalis, acids, ultraviolet light, and staining.

Waterproofing sealer – a coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water.

Wax – consist of the following:

- (a) A material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics); and
- (b) Includes but is not limited to substances derived from the secretions of plants and animals such as caruba wax and beeswax, substances of a mineral origin including but not limited to ozocerite and paraffin, and synthetic polymers such as polyethylene.

Web spray adhesive – any aerosol adhesive that is not a mist spray or special purpose spray adhesive.

Wood floor wax – wax-based products for use solely on wood floors.

Wood preservative – a coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. §136 *et seq.*) and with the District of Columbia Department of Health, Environmental Health Administration, Toxic Substance Division (20 DCMR Chapters 20-25).

Working day – a day other than Saturday, Sunday, a legal holiday, or day on which the Department is officially closed.

Working mode cover – any cover or solvent cleaning machine design that allows the cover to shield the cleaning machine openings from outside air disturbances while parts are being cleaned in the cleaning machine. A cover that is used during the working mode is opened only during parts entry and removal.

Year – unless otherwise indicated refers to the calendar year.

Comments on these proposed rules should be submitted, in writing, to Mr. Stanley Tracey, Department of Health, Air Quality Division, Chief of the Engineering and Planning Branch, 51 N Street, NE, 5th Floor, Washington, D.C. 20002. Copies of the proposed rules are available for public review during normal business hours at the offices of the Department of Health, Environmental Health Administration, 51 N Street, NE, Room 6051, Washington, D.C. 20002.

Office of Tax and Revenue

NOTICE OF PROPOSED RULEMAKING

The Office of Tax and Revenue (OTR), pursuant to the authority set forth in the D.C. Official Code § 1-204.24c, as amended by Section 155 of the District of Columbia Appropriations Act 2001, approved November 22, 2000 (114 Stat 2476; Pub. L. 106-522) and the Office of the Chief Financial Officer, Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of his intent to adopt new Taxation Regulations. The proposed regulations will add a new Section 493 to Chapter 4 of Title 9 of the D.C. Municipal Regulations (DCMR).

The proposed regulations will be added to Chapter 4 of Title 9 of the D.C. Municipal Regulations (DCMR) to clarify the taxability of bundled communication services.

The following new Section 493, **SALES PRICE COMMUNICATION SERVICES**, is added to Chapter 4 of Title 9 DCMR.

493 SALES PRICE: COMMUNICATION SERVICES

For purposes of D.C. Official Code § 47-2001(p)(2), the term "sales price" shall not include

a charge for a nontaxable service that is made in connection with a sale of a taxable communication service, even if the nontaxable charges are aggregated with and not separately stated from the taxable charges for communication services, if the vendor can reasonably identify charges not subject to tax from its books and records that are kept in the regular course of business.

494-498 [RESERVED]

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the D.C. Register, with the Office of Tax and Revenue, c/o Office of the General Counsel, 941 North Capitol Street, N.E., Suite 810, Washington, DC 20002.

DEPARTMENT OF INSURANCE AND SECURITIES REGULATION

NOTICE OF EMERGENCY AND PROPOSED REGULATIONS

The Commissioner of Insurance and Securities Regulation ("Commissioner"), pursuant to the authority set forth in sections 4, 5, 6, 9 and 11 of the Medicare Supplement Insurance Minimum Standards Act of 1992, effective July 22, 1992 (D.C. Law 9-170, D.C. Official Code §§ 31-3703, 31-3704, 31-3705, 31-3708 and 31-3710) (2001), and Mayor's Order 93-60, dated May 12, 1993, hereby gives notice of the adoption of an amendment to Chapter 22 (Medicare Supplement Insurance Minimum Standards) of Title 26 of the District of Columbia Municipal Regulation (DCMR) (Insurance).

The emergency action is necessary to ensure that the District's regulations regarding minimum standards for Medicare supplement insurance conform to the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 ("BIPA"), enacted in § 1 (a) of the Fiscal Year 2001 Consolidated Appropriations Act, approved December 21, 2000 (Pub. L. 106-554; 114 Stat. 2763). Without this emergency action, the District of Columbia will not maintain certification of its regulatory programs, thereby resulting in an adverse effect on the health, safety and welfare of residents of the District of Columbia.

When the Medicare Supplement Insurance Minimum Standards rules were last promulgated in final on May 30, 2003, a clerical error was made in Section 2209.6 (c). This amendment corrects the error.

These emergency rules were adopted on November 12, 2003, to take effect on that date. The emergency rules will expire 120 days from the date of effectiveness or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first. The Commissioner also gives notice of his intent to adopt these proposed rules in not less than thirty (30) days from the date of publication of this notice in the D.C. Register, or upon their approval by the Council pursuant to section 11(a) of the Act, D.C. Official Code § 31-3710(a), whichever occurs later.

26 DCMR, Chapter 22 (Medicare Supplement Insurance Minimum Standards) subsection 2209.6 is amended to read as follows:

Chapter 22 MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS

2209.6 Guaranteed issue time periods shall be as follows:

- (a) In the case of an individual described in subsection 2209.3(b), the guaranteed issue period begins on the date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if a notice is not received, notice that a claim has been denied because of such a termination or cessation) and ends sixty-three (63) days after the date of the applicable notice;

- (b) In the case of an individual described in subsection 2209.3(b), 2209.3(c) 2209.3(e) or 2209.3(f) whose enrollment is terminated involuntarily, the guaranteed issue period begins on the date that the individual receives a notice of termination and ends sixty-three (63) days after the date the applicable coverage is terminated;
- (c) In the case of an individual described in subsection 2209.3(d), the guaranteed issue period begins on the earlier of: (i) the date that the individual receives a notice of termination, a notice of the issuers's bankruptcy or insolvency, or other such similar notice if any, and (ii) the date that the applicable coverage is terminated, and ends on the date that is sixty-three (63) days after the date the coverage is terminated;
- (d) In the case of an individual described in subsections 2209.3(b), 2209.3(d)(2), 2209.3(d)(3), 2209.3(e), 2209.3(f) who disenrolls voluntarily, the guaranteed issue period begins on the date that is sixty (60) days before the effective date of the disenrollment and ends on the date that is sixty-three (63) days after the effective date; and
- (e) In the case of an individual described in subsection 2209.3 but not described in the preceding provisions of this subsection, the guaranteed issue period begins on the effective date of disenrollment and ends on the date that is sixty-three (63) days after the effective date.

Persons desiring to comment on these proposed and emergency rules should submit comments in writing to Mrs. Leslie E. Johnson, Hearing Officer, Department of Insurance and Securities Regulation, 810 First St., N.E., Suite 701, Washington, D.C. 20002. Comments must be received not later than thirty (30) days after the date of publication of this notice in the D.C. Register.